

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KATHLEEN MARILYN ELLIOTT,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,

Defendant.

CASE NO. C12-5081 RJB

ORDER ADOPTING REPORT AND  
RECOMMENDATION REVERSING  
AND REMANDING TO  
COMMISSIONER FOR FURTHER  
CONSIDERATION

This matter comes before the Court on the Report and Recommendation of U.S. Magistrate J. Richard Creatura. Dkt. 18. The Magistrate Judge recommends that the Commissioner's denial of disability insurance benefits be reversed and remanded, pursuant to sentence four of 42 U.S.C. § 405(g), to the Commissioner for further administrative proceedings.

The Court need only make a de novo determination of the portions of Magistrate Judge Creatura's Report and Recommendation to which Defendant makes objections. 28 U.S.C. § 636(b)(1). Defendant has not filed any objection to the Report and Recommendation.

ORDER ADOPTING REPORT AND  
RECOMMENDATION REVERSING AND  
REMANDING TO COMMISSIONER FOR  
FURTHER CONSIDERATION- 1

1 The Court, having reviewed the Report and Recommendation of Judge J. Richard  
2 Creatura, United States Magistrate Judge, and the relevant record, does hereby find and

3 **ORDER:**

- 4 (1) The Court adopts the Report and Recommendation.
- 5 (2) The matter is **REVERSED** and **REMANDED**, pursuant to sentence four of 42  
6 U.S.C. § 405(g), to the Commissioner for further consideration.
- 7 (3) **JUDGMENT** is for Plaintiff and the case should be closed.
- 8 (4) The Clerk is directed to send copies of this Order to counsel of record.

9 Dated this 26<sup>th</sup> day of December, 2012.

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12 ROBERT J. BRYAN  
13 United States District Judge  
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